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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,224	12/21/2001	Timo Vataja	4208-4038 Nokia 26200	3292
27123	7590	11/21/2006		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
			EXAMINER PERUNGAVOOR, VENKATANARAY	
			ART UNIT 2132	PAPER NUMBER

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/024,224

Applicant(s)

VATAJA, TIMO

Examiner

Venkat Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments, see pages 10-13, filed 9/6/2006, with respect to the rejection(s) of claim(s) 1-52 under 35 USC § 102(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent Publication 2001/0034204 to Pentikainen.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 13-19, 22-36, 39-49, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6282362 to Murphy in view of U.S. Patent 2001/0034204 A1 to Pentikainen.
5. Regarding Claim 1, 52, Murphy discloses the computing location-based authentication data using positional information see Col 10 Ln 45-54; encoding the multimedia content with location-based authentication data by hashing of combined expression of content and location (see Col 4 Ln 14-19 & Col 4 Ln 61-66 & Col 5 Ln 20-24 & Col 7 Ln 48-52) as being created at a certain physical location and time see Col 22 Ln 21-27 & Col 4 Ln 11-47. But Murphy does not explicitly disclose the using positional information provided by long-range cellular network and also the use of user identification/ device identification data. However, Pentikainen discloses the use of positional information for tracing the subscriber and further the use of IMEI and IMSI codes in determining identity and location see Par. 0008 & Par. 0011-0015. It would be obvious to one having ordinary skill in the art at the time of the invention to include the use of positional information for tracing the subscriber and further the use of IMEI and IMSI codes in determining identity in the invention of Murphy in order to tie the information to the user/subscriber as taught in Pentikainen see Par. 0005.
6. Regarding Claim 2, 31, 44, Murphy discloses the authentication data including physical location of device see Col 9 Ln 45-66.

7. Regarding Claim 3, 15, 32, 45, Murphy discloses the location being determined by GPS see Col 15 Ln 2-7..
8. Regarding Claim 4-7, 16-19, 34-35, 47-48, Murphy discloses the physical location being determined through connection to networks see Col 14 Ln 54- Col 15 Ln 7.
9. Regarding Claim 8-9, 33, 36, 46, 49, Murphy discloses the date and time of content creation see Col 16 Ln 49-52.
10. Regarding Claim 13, Murphy discloses the content creation and encoding are substantially simultaneously executed see Col 15 Ln 36-46.
11. Regarding Claim 14, Murphy discloses an location device that determines the current location of device using positional information see Col 15 Ln 2-7; a time device for generating time see Col 16 Ln 49-52; a storage device for storing data identifying device and algorithm see Col 15 Ln 14-20 & Col 21 Ln 66- Col 22 Ln 27; a media generation switch that initiates to encode with location data see Col 15 Ln 21-27; by hashing of combined expression of content and location (see Col 4 Ln 14-19 & Col 4 Ln 61-66 & Col 5 Ln 20-24 & Col 7 Ln 48-52). But Murphy does not explicitly disclose the using positional information provided by long-

range cellular network and also the use of user identification/ device identification data. However, Pentikainen discloses the use of positional information for tracing the subscriber and further the use of IMEI and IMSI codes in determining identity and location see Par. 0008 & Par. 0011-0015. It would be obvious to one having ordinary skill in the art at the time of the invention to include the use of positional information for tracing the subscriber and further the use of IMEI and IMSI codes in determining identity in the invention of Murphy in order to tie the information to the user/subscriber as taught in Pentikainen see Par. 0005.

12.Regarding Claim 22, Murphy discloses the hash algorithm see Col 22 Ln 6-27.

13.Regarding Claim 23-25,27-30, 40-43 Murphy discloses the image, audio, video data see Col 7 Ln 48-56 & Col 15 Ln 30-35.

14.Regarding Claim 26, Murphy discloses the receiving content through a network see Col 19 Ln 33-39; authentication data being correlated in the server Col 15 Ln 47-56; executing algorithm that encodes by hashing of combined expression of content and location (see Col 4 Ln 14-19 & Col 4 Ln 61-66 & Col 5 Ln 20-24 & Col 7 Ln 48-52) and to create an key that authenticates see Col 21 Ln 66- Col 22 Ln 27. But Murphy does not explicitly disclose the using positional information provided by long-range cellular network and also the use of user identification/ device identification data. However, Pentikainen discloses the use of positional

information for tracing the subscriber and further the use of IMEI and IMSI codes in determining identity and location see Par. 0008 & Par. 0011-0015. It would be obvious to one having ordinary skill in the art at the time of the invention to include the use of positional information for tracing the subscriber and further the use of IMEI and IMSI codes in determining identity in the invention of Murphy in order to tie the information to the user/subscriber as taught in Pentikainen see Par. 0005.

15. Regarding Claim 39, Murphy discloses an storage medium see Col 15 Ln 16-20; a network interface see Col 15 Ln 8-14; a processor for receiving content through a network see Col 19 Ln 33-39; authentication data being correlated in the server Col 15 Ln 47-56; executing algorithm that encodes the content to create an key that authenticates see Col 21 Ln 66- Col 22 Ln 27; by hashing of combined expression of content and location (see Col 4 Ln 14-19 & Col 4 Ln 61-66 & Col 5 Ln 20-24 & Col 7 Ln 48-52). And see arguments above. But Murphy does not explicitly disclose the using positional information provided by long-range cellular network and also the use of user identification/ device identification data.
- However, Pentikainen discloses the use of positional information for tracing the subscriber and further the use of IMEI and IMSI codes in determining identity and location see Par. 0008 & Par. 0011-0015. It would be obvious to one having ordinary skill in the art at the time of the invention to include the use of positional information for tracing the subscriber and further the use of IMEI and IMSI codes

in determining identity in the invention of Murphy in order to tie the information to the user/subscriber as taught in Pentikainen see Par. 0005.

16. Claim 10, 11, 20, 21, 37, 38, 50, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,282,362 B1 to Murphy et al. (hereinafter Murphy) in view of U.S. Patent 2001/0034204 A1 to Pentikainen further in view of U.S. Patent Publication 2002/0080968 A1 to Olsson.

17. Regarding Claim 10, 11, 12, 20, 21, 37, 38, 50, 51, Murphy does disclose the authentication data including physical location of device see Col 9 Ln 45-66, the date and time of content creation see Col 16 Ln 49-52, but does not disclose the GSM systems being used which include IMEI data and the authentication data including the IMSI. However, Olsson discloses the GSM systems being used which include IMEI data see Par. 0028 & Par. 0037 and the authentication data including the IMSI see Par. 0023. It would be obvious to one having ordinary skill in the art at the time of the invention to include IMEI data and the authentication data including the IMSI in the invention of Murphy in order to have a standard data as taught in Olsson see Par. 0023.

### ***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is



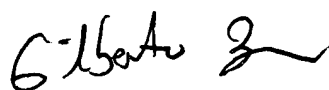
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571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Venkat Perungavoor  
Examiner  
Art Unit 2132

Vp  
11/13/2006

  
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